In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 15452 of 2006
Date of Decision: September 26, 2006

Harbans Kaur

…Petitioner

Versus

Union of India & others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Rajesh Sehgal, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J (Oral)

This petition filed under Article 226 of the Constitution prays for issuance of a writ in the nature of mandamus directing the respondents to release ordinary family pension to the petitioner under the provisions of the Pension Regulations for the Army, 1961 read with Army Instructions 51 of 1980 and other instructions issued from time to time w.e.f. the date of death of her husband, namely, Hav. Nasib Singh, No. 1185060, w.e.f. 1.10.1995 onward at the scale prevalent at that time and thereafter at the revised scale w.e.f. 1.1.1996 for life along with arrears accruing therefrom from 1.10.1995 along with interest and costs. An alternate prayer has also

been made to direct the respondents to release the family pension in pursuance to the instructions issued vide notification dated 27.7.2001 as well as letter dated 28.8.2001 of the Government of India sent to the Chief of Army/Naval/Air Staff on the subject of grant of family pension under the Employees Pension Scheme, 1995 and Family Pension Scheme, 1971.

For the relief claimed in the instant petition, the petitioner has sent a legal notice dated 29.6.2006 (P-10) to the respondents.

Without going into the merits of the case, we deem it just and appropriate to direct the respondents to take cognizance of the legal notice dated 29.6.2006 (P-10) sent by the petitioner and decide the same expeditiously preferably within a period of two month from the date a certified copy of this order is presented to them. If the claim of the petitioner is found to be meritorious and decided in her favour then the benefit accruing to her shall be disbursed within a further period of two months thereafter. It shall be appreciated if a speaking order is passed.

Petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

September 26, 2006
Pkapoor